

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

|                                    |   |                     |
|------------------------------------|---|---------------------|
| <b>COREY BRACEY</b>                | : | <b>CIVIL ACTION</b> |
| <i>Plaintiff, pro se</i>           | : |                     |
|                                    | : |                     |
|                                    | : | <b>NO. 17-2836</b>  |
| <b>v.</b>                          | : |                     |
|                                    | : |                     |
| <b>SUPERINTENDENT LINK, et al.</b> | : |                     |
| <i>Defendants</i>                  | : |                     |

**ORDER**

**AND NOW**, this 16<sup>th</sup> day of January 2019, upon consideration of the Defendants' *motion to dismiss the amended complaint*, [ECF 19], Plaintiff's response thereto, [ECF 25], and the allegations in the amended complaint, [ECF 17], it is hereby **ORDERED** that, for the reasons set forth in the accompanying Memorandum Opinion, Defendants' motion is **GRANTED**, *in part*, and **DENIED**, *in part*, as follows:

- A. The motion is **GRANTED** with respect to: (i) Plaintiff's First Amendment claim against Defendant Andrews for retaliation; (ii) Plaintiff's First and Fourteenth Amendment claims against Defendant Choi for mail interference and violation of Plaintiff's rights to "freedom of assembly," substantive due process, and equal protection; (iii) Plaintiff's First Amendment claims against Defendants Terra and Banta, in their supervisory capacities, for retaliation and denial of access to the courts; (iv) Plaintiff's Eighth and First Amendment claims against Defendants Link, Banta, Brumfield, Flaime, and Nuñez for failure to train and/or protect Plaintiff from foreseeable risks of harm; and (v) Plaintiff's First Amendment retaliation/conspiracy claim against Defendant Myers.

Consequently, all claims against Defendants Link, Banta, Brumfield, Terra, Flaime, Nuñez, and Andrews are dismissed.

- B. The motion is **DENIED** with respect to (i) Plaintiff's Eighth Amendment claims against Defendants Baratta and Myers for deliberate indifference to the risk to Plaintiff of attempted suicide and being publicly referred to as a "Master-Splinter"; and (ii) Plaintiff's First Amendment claims against Defendants Baratta and Choi for retaliation.

**BY THE COURT:**

/s/ Nitza I. Quiñones Alejandro  
**NITZA I. QUIÑONES ALEJANDRO**  
*Judge, United States District Court*